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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARGO CARLIN,
Plaintiff

CIVIL ACTION – LAW

vs.

NO.

12 2056

MICHAEL MARREN, BENSLEM
RESCUE SQUAD, BENSLEM
TOWNSHIP, BENSLEM
TOWNSHIP POLICE
DEPARTMENT, HULMEVILLE
ENTERPRISES, INC. t/a
HULMEVILLE INN AND IMAN,
INC. t/a BAILEY'S BAR & GRILL,
Defendants

JURY TRIAL DEMANDED

FILED
MAY 31 2012
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

NOTICE OF REMOVAL

AND NOW, comes the Defendant, BENSLEM RESCUE SQUAD, by and through its attorneys, Thomas, Thomas & Hafer, LLP, and files this Notice of Removal, and in support thereof, states and avers the following:

1. The Plaintiff, Margo Carlin ("Carlin"), filed her Complaint against the several Defendants on or about May 7, 2012, in the Court of Common Pleas of Bucks County, Pennsylvania, Docket No. 2012-02202. A copy of the Complaint is attached hereto as Exhibit A.

2. Bensalem Rescue Squad was served with the same on or about May 8, 2012.

3. The Complaint contains several causes of action, including at Count One, claims for “State Created Danger under U.S.C. §1983 and Article XIV of the United States Constitution.”

4. While the remaining causes of action arise under Pennsylvania statutory or common law, because the Complaint asserts claims arising out of federal law, this case presents a federal question and the federal courts have jurisdiction pursuant to 28 U.S.C. § 1331.

5. This case is properly removed to this Court in accordance with 28 U.S.C. § 1441, which states that a civil action in which the district courts have original jurisdiction may be removed to the district court for the district and division embracing the place where such action is pending.

6. As the underlying action is currently pending in the Court of Common Pleas of Bucks County, Pennsylvania, which is encompassed within the Eastern District of Pennsylvania, removal to this Court is proper.

7. This Notice is filed within the time for removal set forth in 28 U.S.C. § 1446 (b) since 30 days have not yet passed since Defendant Bensalem Rescue Squad was officially served with a copy of the Complaint setting forth Carlin’s claims for relief.

8. The written notice of filing of this Notice of Removal will be given to all parties (and the Bucks County Court of Common Pleas) as required by 28 U.S.C. §1446(b).

9. It is noted that all Defendants concur with removal of this action to this Honorable Court.

WHEREFORE, Defendant Bensalem Rescue Squad respectfully removes this matter to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

By: /s/ Brooks R. Foland

Brooks R. Foland, Esquire

Identification Number: 70102

305 North Front Street

P.O. Box 999

Harrisburg, PA 17108-0999

(717) 255-7626

*Attorney for Defendant Bensalem
Rescue Squad*

1096334.1

Exhibit A

CERTIFICATE OF SERVICE

I, Brooks R. Foland, for the law firm Thomas, Thomas, Thomas & Hafer, LLP, hereby certify that I have served a true and correct copy of the foregoing document on the following persons by placing a copy of the same in the United States mail, first class mail, directed to their office addresses as follows:

James J. Byrne, Jr., Esq.
Kelly S. Sullivan, Esq.
McNichol, Byrne & Matlawski, PC
1223 N. Providence Road
Media, PA 19063

John E. Toczydlowski, Esquire
Strachan & Hatzell
4100 One Liberty Place
1650 Market Street
Philadelphia, PA 19103

Matthew P. Mann, Esq.
Barry McTiernan & Wedinger
1024 Amboy Avenue
Edison, NJ 08837

Paola T. Kaczynski, Esq.
William J. Ferren & Associates
1500 Market Street, STE 2920
Philadelphia, PA 19102

Michael Marren
SCI Green, Inmate No. KA6806
175 Progress Drive
Waynesburg, PA 15370

/s/ Brooks R. Foland

Date: 5/30/12

FILED
MAY 31 2012
MICHAEL E. KUNZ, Clerk
By J Dep. Clerk

CIVIL COVER SHEET

JS-44 (Rev. 09-11)

The JS-44 civil coversheet and the accompanying instructions herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, which is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet, is to be filed with the complaint in the case of a civil action, and with the answer in the case of a counterclaim. THIS FORM.

I. (a) PLAINTIFFS

Margo Carlin, 1229 Chestnut Street, Philadelphia, PA

DEFENDANTS

Michael Marren
SCI Greene
175 Progress Drive, Waynesburg, PA

County of Residence of First Listed Defendant

12

2,988

Greene

(b) County of Residence of First Listed Plaintiff Philadelphia

RECEIVED IN U.S. PLAINTIFF'S CASES

(c) Attorneys (Name, Address, and Telephone Number)

James J. Byrne, Jr., Esq., 1223 N. Providence Road, Media, PA 19063
610-565-4322

Attorneys (if known)

P. J. Byrne

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Impl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 EHA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 550 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

Brief description of cause.

state created danger and violation of civil rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5-30-12

B. R. Tolson

MAY 31 2012

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

MSG

UNITED STATES DISTRICT COURT

2

2012

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1229 Chestnut Street, Apt. 1229, Philadelphia, PA

Address of Defendant: 3830 Hulmeville Road, Bensalem, PA 19020

Place of Accident, incident or Transaction: 3830 Hulmeville Road, Bensalem, PA 19020
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐No ☒

RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL (Place ☒ IN ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Brooks R. Foland, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 55.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5-30-12

B.R. Foland
Attorney-at-Law

70102
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with P.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/30/12

Brooks R. Foland
Attorney-at-Law

70102
Attorney I.D.#

MAY 31 2012



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Margo Carlin

CIVIL ACTION

12 2988

v.

Michael Marren, Bensalem Rescue Squad, Bensalem ;
Township, Bensalem Police Department, Bailey's Bar ;
& Grill and Hulmeville Inn

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

5/30/12

Brooks R. Foland

Bensalem Rescue Squad

Date

Attorney-at-law

Attorney for

717-255-7626

717-237-7105

bfoland@rthlaw.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

MAY 31 2012